

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMIL SASHA, et al.,

Plaintiffs,

- against -

PETER L. MALKIN, et al.,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
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14-CV-9989 (AT) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Having considered the parties' competing proposals for addressing Plaintiffs' potential motion to lift stay and amend the complaint, and Defendants' potential motion to dismiss, the Court sets the following schedule:

1. By **December 1, 2020**, Plaintiffs provide to Defendants their proposed amended complaint. By **December 8, 2020**, the parties shall meet and confer as to whether Defendants will agree to filing of the amended complaint in the event the Court lifts the stay and with Defendants preserving their right to move to dismiss the amended complaint once filed; if Defendants do not so agree, they shall explain to Plaintiffs the reasons why so that Plaintiffs have the opportunity to make any further changes before filing that would be easily cured by yet a further motion to amend. The purpose of this endeavor is to avoid a scenario where Plaintiffs file an amended complaint (if permitted), Defendants file a motion to dismiss, and then Plaintiffs seek to amend in response to the motion. Further, in the interest of judicial efficiency, there should be no need for both opposition to a motion to amend that is based on futility grounds and also a motion to dismiss that makes the same or similar arguments.

2. By **December 14, 2020**, Plaintiffs file letter motion, of no more than three pages, to lift stay and amend the complaint.
3. By **December 21, 2020**, Defendants file response, of no more than five pages, including arguments for motion to dismiss.
4. By **December 28, 2020**, Plaintiffs file reply of no more than three pages.
5. The parties may mutually agree to alter these dates (particularly in light of holiday timing) so long as all submissions are made by **December 30, 2020**.
6. The Court will then hold a pre-motion telephone conference in January to discuss the issues and next steps.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: October 30, 2020  
New York, New York

Copies transmitted this date to all counsel of record.